

TO: Zoning Board of Adjustment
FROM: Community Development Department
DATE: June 15, 2016

RE: **CASE #CU-16-007**
REQUEST: A conditional use permit to allow a business/professional office in an R-3/Low Density Multi-Family Residential District.

APPLICABLE

CODE SECTIONS: §15.10.030 Conditional Uses. The following conditional uses shall be permitted in an R-3 District, in accordance with the requirements set forth in Chapter 15.27:

(4) Business, professional office when the floor area for such use shall not exceed two thousand (2,000) square feet.

LOCATION: 719 Mill Street

LEGAL

DESCRIPTION: Lot 5, Block 9, Mynster Addition

APPLICANT: CHA Properties, LLC, North 6th Street and Avenue E, PO Box 8C, Council Bluffs, IA 51502

REPRESENTED BY: Mark Duman, Chief Financial Officer, Christian Home Association – Children’s Square U.S.A, North 6th Street and Avenue E, PO Box 8C, Council Bluffs, IA 51502

BACKGROUND – CHA Properties, LLC is requesting a conditional use permit to allow a business/professional office at 719 Mill Street. The Zoning Ordinance allows an office as a conditional use in the R-3 District provided the floor area for such use will not exceed 2,000 square feet. This is a two story residential structure containing 821 square feet on the first floor and, it is assumed, 821 square feet on the second floor for a total of 1,642 square feet.

According to the statement submitted by the applicant, Children’s Square U.S.A. will use this property as office space for four therapists to meet with their clients. It will be a quiet business that will not operate past 8:00 p.m. and is unlikely to disturb any of the neighboring properties. There are several older homes in the community used for similar purposes by other organizations. CHA Properties, LLC owns some other properties in the area including a parking lot to the north and the former church building at 236 North 7th Street. Parking in the immediate area will not be an issue.

A plan of operation, also submitted by the applicant, is attached for your review.

CURRENT ZONING AND LAND USE – Land use surrounding the subject property consists of Children’s Square campus to the north and single and multi-family residential structures to the east, west and south. All surrounding zoning is R-3/Low Density Multi-Family Residential, as shown on the attached map.

CITY DEPARTMENTS AND UTILITIES – No adverse comments have been received from any City department or utility.

NEIGHBORHOOD RESPONSE – All property owners within 200 feet of the day care were notified of the request. No comments regarding the subject property have been received. One property owner notice was returned, undeliverable in the mail.

COMMENTS

The Zoning Board of Adjustment shall make findings of fact, based upon the evidence presented at the public hearing, with respect to each of the applicable standards in Section 15.02.090.E (Findings of Fact).

The Zoning Board of Adjustment may impose such conditions and restrictions upon the location, construction, design and use of the property benefited by a conditional use as may be necessary or appropriate to protect the public interest, adjacent property and property values. Failure to maintain such conditions or restrictions as may be imposed shall constitute grounds for revocation of the conditional use. The terms of relief granted, including any conditions or restrictions, shall be specifically set forth in the concluding statement separate from the findings of fact. No conditional use shall be approved unless the Zoning Board of Adjustment makes findings of fact based directly on the standards and conditions imposed by this section. The findings of fact are presented below *in italics*:

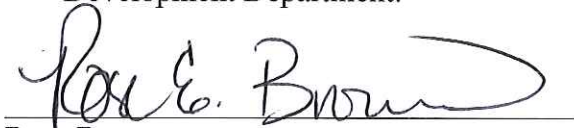
- 1. The proposed conditional use will comply with all applicable regulations of this Ordinance, including lot requirements, bulk regulations, use limitations and all other standards or conditions contained in the provisions authorizing such use. *The size of the property is adequate for the operation of a professional office.***
- 2. Adequate utility, drainage and other necessary facilities or improvements have been or will be provided. *No utility service extensions and/or infrastructure upgrades are necessary for a professional office to operate at this location.***
- 3. Adequate access roads or entrance and exit drives will be designed and built to prevent traffic hazards and to minimize traffic conflicts and congestion in public streets and alleys. *The existing structure is located on an improved residential street. No additional improvements are necessary for the proposed request.***
- 4. All necessary permits and licenses required for the operation of the conditional use have been obtained, or it clearly appears that such permits are obtainable for the proposed conditional use on the subject property. *The proposed use will need to comply with all applicable City, State and Federal regulations.***
- 5. All exterior lighting shall be shaded as necessary to direct the light away from neighboring residential properties. *Standard outdoor lights above the front and back door is proposed, along with a motion activated light outside of the detached garage.***
- 6. The location and size of the conditional use, the nature and intensity of the activities to be conducted in connection with it, the size of the site, and the relationship of the site to adjacent roadways shall be considered to assure the use is in harmony with the appropriate and orderly development of the district and the neighborhood in which it is located. *The structure is an existing residential structure in a residential neighborhood. The proposed use will not have a negative impact on the development of the neighborhood.***
- 7. The location, nature and height of buildings, structures, walls and fences on the site, and the nature and extent of landscaping and screening on the site shall be designed so that the use will not reasonably hinder or discourage the appropriate development, use and enjoyment of the adjacent land, buildings and structures. *No new outdoor construction, landscaping or screening is proposed at this time.***

8. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is located and will contribute to and promote the convenience and welfare of the public. *If operated properly, the proposed use as a professional office should not impact the current valuation of the surrounding properties.*

RECOMMENDATION

The Community Development Department recommends approval of a conditional use permit to allow business/professional office in an R-3/Low Density Multi-Family Residential District at 719 Mill Street, subject to the following conditions:

1. The business/professional office shall comply with all applicable City, State and Federal regulations.
2. All sidewalks, driveways and parking areas shall be hard surfaced, properly maintained and kept free of obstructions at all times.
4. The hours of operations shall be limited to 8:00 a.m. to 8:00 p.m., Monday through Friday.
5. The number of employees and clients shall be limited to no more than 16 at one time.
6. Any future proposed outdoor signage shall be reviewed and approved by the Community Development Department.



Rose Brown
Planning Coordinator



Rebecca Sall
Assistant Planner

RLB/RLS

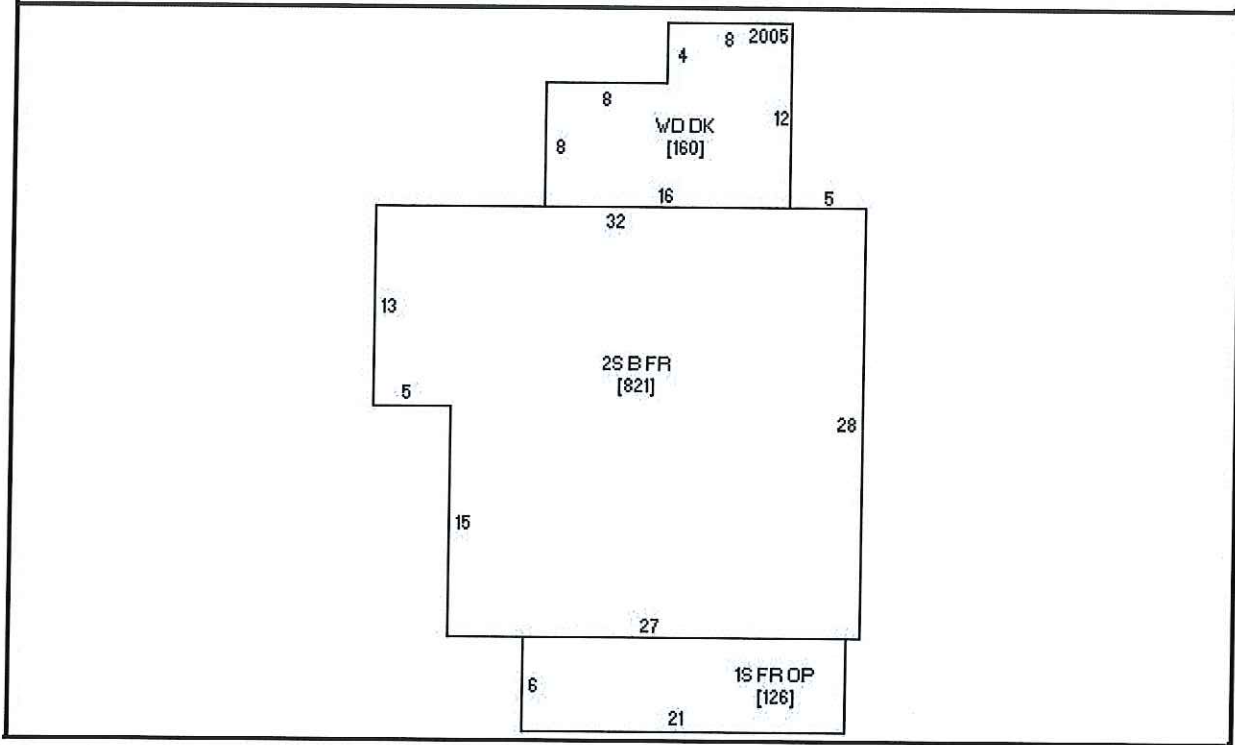
CONDITIONAL USE APPLICATION FOR CHA PROPERTIES, LLC
719 MILL ST., COUNCIL BLUFFS, IA 51503

4. Proposed Land Use: Business, professional office pursuant to City of Council Bluffs Municipal Code Section 15.10.030(4).

5. Children's Square U.S.A. will use this property for space for office for four therapists to meet with clients. This will be a quiet business that will not operate past 8:00 p.m., and is unlikely to disturb any of the neighbors. There are several older homes in the community used for similar purposes by other organizations. This property is owned by CHA Properties, LLC, and its sole member is Christian Home Association – Children's Square U.S.A., which owns some of the surrounding property. These properties include a parking lot across the street and the corner property (236 N. 7th St.) so that parking is not an issue in the immediate area.

8. Plan of Operation

- a) Activity: The property will be used for professional offices for four therapists who will see some of their clients there.
- b) Hours of Operation: The property will be open by appointment from 8:00 a.m. until 8:00 p.m.
- c) Number of Persons Employed: Up to four employees.
- d) Number of Persons expected to use the site at maximum capacity: If all four therapists had family sessions at one time, there could be around sixteen people there at one time. Larger families will be seen at another building on campus where there are larger rooms available.
- e) Parking: Children's Square owns the property on the corner (236 N. 7th St.) close to this property and also the parking lot across the street. There is parking available in the driveway, in the parking lot across the street, and along the street that borders the Children's Square property. If there were four families here at one time with four therapists this would be a maximum of eight cars, which could be accommodated with available parking.
- f) Access: This property is easily accessed from the Children's Square campus or from Mill Street.
- g) Signage: There is no signage on this property. We use the house address to direct clients to the location.
- h) Lighting: The parking lot across the street is already lighted. On this property, we will use standard outdoor lights above the front and back door, and a motion activated light outside the garage.



Floor Plan



719 Mill Street

